

RACE, GENDER, and RAWLS' *A THEORY OF JUSTICE*

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Abstract

Should we use the concepts developed by John Rawls in his *A Theory of Justice* to guide research questions relevant to issues concerning race and gender? This thesis argues not only that the concepts from *A Theory of Justice* should not be used as the primary tool in any debate concerning race and gender, but it also challenges the abstract thinking of 21st Century Western Philosophers to develop a theory of justice that acknowledges the fact that people have their own interests and depending on what race and/or gender they identify with, might not have equal rights protected under the law that White Americans take for granted.

Thesis Statement

We should not use John Rawls' A Theory of Justice to guide research questions relevant to debates involving race and gender issues because Rawls' theory is based upon the hypothetical and erroneous premise that everyone will be treated as equals at the bargaining table, prior to becoming a party to any social contract.

Background John Rawls

- Born on February 21, 1921, and raised in Baltimore Maryland
- Father was a renowned lawyer
- Mother served as President of the League of Women Voters in the 1920s
- Admitted to Princeton University in 1939 and earned a bachelor's degree in 1943
- Joined Army 1943 serving in the South Pacific
- Lost religious faith serving in World War II

Background Rawls Cont.

- 1945 returned to Princeton and earned a Ph.D. in moral philosophy in 1950
- Faculty Member at Harvard 1962 after teaching at Princeton and Cornell
- Drafted memo at Harvard exposing the systematic racial injustice of American society
- Removed references to racial injustice from memo before submitting his final draft to Harvard faculty
- Memo originally described African Americans as a severely deprived and the ones to bear injustices the most

Rawls' Publications

- *A Theory of Justice* 1971
- *Justice as Fairness* 1985
- *Collected Papers* 1999
- *Lectures On the History Of Moral Philosophy* 2000
- *The Law of Peoples* 2002
- *A Theory Of Justice Revised Edition* 2002
- *Political Liberalism* 2005
- *Lectures On the History of Political Philosophy* 2008
- *Brief Inquiry Into the Meaning Of Sin and Faith* 2010

Rawls, *A Theory of Justice*

- Original Position
 - People creating a state would only agree upon a social contract in an initial situation that is fair
 - People in this bargaining scenario know that they are rational and self-interested
- Veil of Ignorance
 - Participants do not know their place in society
 - Do not know if they are women or men
 - Do not know what constitutes a good life
 - Do not know where they are from or if they are Black or White

Rawls' Assumptions

- Agreements are fair because everyone shares the same rights agreed upon
- Agreement is the result of removing aspects from the social world that are arbitrary from a moral point of view
- No one will be advantaged or disadvantaged by fortune or social circumstances when choosing principles
- People who are rational and have self-interests will not agree to anything that would diminish someone else's interests
- No one will agree to a principle that might make someone worse off

Social Factors in Racial Debates

- Historical racism and institutional racism
 - Slavery in ancient Greece, Egypt, United States, Africa
- Police brutality and racial profiling
 - Civil War, World War II, Civil Rights Movement
- Economic inequality
 - Less access to education, fewer opportunities than White people
- Implicit bias

Social Factors in Gender Debates

- Gender-constructed violence
 - Sexual assault and domestic violence for men and women
- Gender stereotyping
 - What a man or women should look and act like
- Workplace discrimination
 - Pay inequality for women doing same jobs as men
- Reproductive rights for women
 - Not being allowed to make independent decisions about their own bodies

Argument

- Rawls' hypothetical veil of ignorance was hypothesized to lead to a certain conception of justice
- Capacity for moral personality is not a sufficient condition for being entitled to equal justice
- Rawls does not elaborate on racial injustices, the fairness of affirmative action, or the enforcement of antidiscrimination statutes
- Rawls' silence on race only lead to skepticism about whether his theory helps us with problems associated with racial injustices

Argument Cont.

Possible reasons why Rawls elected not to write about race and gender

- might not have been aware of race and gender inequality issues that have plagued the United States
- might not have cared about racial and gender inequalities
- Harvard and other elite schools might not have been a good place for philosophizing about race and gender in the moral and political science fields
- Rawls might only have been concerned about the fundamental principles that would guide the rest of society when developing his theory of justice

Argument Cont.

- Rawls knew and cared about racial inequalities of the Jews and African Americans
- Rawls was aware of women rights issues prevalent in the 1920s'
- Rawls' reluctance to address racial injustice in his five books demonstrates the whiteness of Rawls' world despite his misgivings about the Vietnam war and the racial injustices associated with the war
- Rawls was at the one of most prestigious philosophy departments in the country
- The most celebrated political philosopher in the country
- Rawls' failed to use his academic bully pulpit to address racial injustice

Conclusion

- Rawls' concepts from *A Theory of Justice* are not applicable to debates involving issues about, or between race and gender
- Rawls' veil of ignorance does not address the existence of race and gender biases in our society
- Racial justice was not one of Rawls' urgent priorities despite being a major theme in his life
- Rawls' defends his decision to exclude race from his hypothetical as his primary concern was ideal theory and not non-ideal theory
- After 30 years of writing at Harvard, Rawls' did not write at least one essay on racial justice

Moving Forward

- Applying Rawls', *A Theory of Justice* to any debate concerning issues between race and gender would not only be misleading, but it would also be wrong, everyone is not, and has not been similarly situated
- Political philosophy is to discover and propose grounds for reasoned agreement when sharp political divisions threaten to lead to violent conflicts
- I challenge academia and future philosophers to adopt a different approach to hypothesizing a just society and try to effectuate a framework for a just society that takes into account the historical and systemic racial inequality of minority groups

Questions